## Exhibit 2

## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM C. TOTH JR., et al.,

Plaintiffs,

No. 1:22-cv-00208-JPW

v.

Honorable Jennifer P. Wilson

LEIGH M. CHAPMAN, et al.,

Defendants.

## CARTER PETITIONERS' PROPOSED MOTION TO DISMISS THE FIRST AMENDED COMPLAINT

Carol Ann Carter, Monica Parrilla, Rebecca Poyourow, William Tung, Roseanne Milazzo, Burt Siegel, Susan Cassanelli, Lee Cassanelli, Lynn Wachman, Michael Guttman, Maya Fonkeu, Brady Hill, Mary Ellen Balchunis, Tom Dewall, and Stephanie McNulty (the "Carter Petitioners") hereby move, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss the First Amended Complaint of William C. Toth Jr., William J. Hall, James Bognet, Aaron Bashir, and Alan M. Hall, ECF No. 7, with prejudice for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. In support of this Motion, the Carter Petitioners state as follows:

- 1. This Court should abstain in deference to ongoing state court proceedings.
- 2. Dismissal is appropriate under Rule 12(b)(1) because Plaintiffs do not have standing to sue and they assert unripe claims, and therefore this Court lacks

subject matter jurisdiction to resolve this dispute.

- 3. Dismissal is appropriate under Rule 12(b)(6) because, *inter alia*, Plaintiffs' allegations do not make out plausible claims for relief.
- 4. The Carter Petitioners shall submit a memorandum of law in support of this Motion as set forth in Local Rule 7.5 or as otherwise ordered by this Court.

WHEREFORE, the Carter Petitioners respectfully request that this Court enter an order granting this Motion to Dismiss and dismissing the First Amended Complaint with prejudice.

Dated: February 22, 2022.

Respectfully submitted,

/s/ Elizabeth V. Wingfield

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## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM C. TOTH JR., et al.,	•
Plaintiffs, v.  LEIGH M. CHAPMAN, et al.,  Defendants.	No. 1:22-cv-00208-JPW  Honorable Jennifer P. Wilson
OR	DER
AND NOW, on this day	of, 2022, upon
consideration of the Carter Petitioners' M	Iotion to Dismiss Plaintiffs' First Amended
Complaint, and any responses thereto, IT	Γ IS HEREBY ORDERED that the Carter
Petitioners' Motion is GRANTED a	and the First Amended Complaint is
DISMISSED WITH PREJUDICE.	
	BY THE COURT:
	Hon. Jennifer P. Wilson, U.S.D.J.